United Nations A/HRC/WG.6/30/COL/2

General Assembly

Distr.: General
12 March 2018
English
Original: English/Spanish

**Human Rights Council**
**Working Group on the Universal Periodic Review**
**Thirtieth session**
7–18 May 2018

# Compilation on Colombia

## Report of the Office of the United Nations High Commissioner for Human Rights

## I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

## II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1]

2. Colombia was invited by several human rights bodies and mechanisms to become a party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[2] the Optional Protocol to the Convention on the Rights of Persons with Disabilities,[3] the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,[4] the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,[5] the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[6] the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education,[7] the 1954 Convention relating to the Status of Stateless Persons,[8] and the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance.[9]

3. Colombia was encouraged by several human rights bodies and mechanisms to recognize or make the declaration regarding the competence of the Committee on the Elimination of Racial Discrimination,[10] the Committee against Torture,[11] the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families,[12] and the Committee on Enforced Disappearances[13] to receive individual and/or inter-State communications.

4. The Committee on Migrant Workers recommended that Colombia take the necessary steps to withdraw its reservations to articles 15, 46 and 47 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[15] The Committee on the Elimination of Discrimination against Women urged Colombia to remove its declaration under article 10 (1) of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept the amendment to article 20 (1) of the Convention.[16]

5. Colombia had submitted a midterm report on the implementation of the recommendations made during the first cycle of the universal periodic review.[17]

6. The integrated mandate of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Colombia, which had been established through an agreement with the Government in 1996, had been renewed until 31 October 2019.[18]

7. The Deputy High Commissioner for Human Rights had visited Colombia in 2015,[19] the High Commissioner for Human Rights in 2016,[20] and the Assistant Secretary-General for Human Rights in 2017.[21]

8. Colombia had provided annual in-kind support to the OHCHR country office.[22]

## III. National human rights framework[23]

9. The High Commissioner for Human Rights congratulated the Government of Colombia, the Revolutionary Armed Forces of Colombia — Peoples' Army and Colombian society for their determination to advance the peace process after half a century of armed conflict.[24] He noted that the peace agreement generally complied with the international human rights obligations of Colombia. If implemented diligently, it could guide the State in overcoming structural human rights challenges.[25] The Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations country team and the United Nations Mission in Colombia also welcomed the signing of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace in November 2016.[26] UNHCR also welcomed the initiation of peace negotiations between the Government and the National Liberation Army.[27]

10. While the country team welcomed the exchange of good practices with other countries on the system of follow-up to the recommendations made by the conventional and extra-conventional mechanisms of the United Nations system, it urged Colombia to involve civil society in monitoring the implementation of those recommendations.[28]

## IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

### A. Cross-cutting issues

#### 1. Equality and non-discrimination[29]

11. The Committee on the Elimination of Racial Discrimination urged Colombia to introduce a definition of racial discrimination in its legislation, in accordance with article 1 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination.[30]

12. The Human Rights Committee recommended that Colombia continue and step up its efforts to combat stereotypes regarding, and prejudice against, lesbian, gay, bisexual, transgender and intersex persons.[31]

13. The same Committee was concerned by reports that Afro-Colombian and indigenous persons continued to be discriminated against despite the steps taken by Colombia to

combat discrimination.[32] The Committee on the Elimination of Racial Discrimination raised similar concerns.[33]

14. The Committee on the Rights of Persons with Disabilities was concerned about discrimination against persons with disabilities, especially women and girls.[34]

### 2. Development, the environment, and business and human rights[35]

15. The Human Rights Committee was concerned by reports regarding the issuance of permits for natural resource development projects on the territories of indigenous peoples, which had in some cases had an adverse impact on those peoples' way of life.[36]

16. The Committee on the Elimination of Racial Discrimination noted the negative impact of projects involving the exploitation of natural resources, including illegal mining, on the territories of indigenous and Afro-Colombian peoples, which had caused irreparable damage to the environment.[37]

17. The Committee on Economic, Social and Cultural Rights recommended that natural resource exploitation activities be subject to social and environmental impact assessments and that licensing agreements with private entities provide for measures to mitigate their impact on the enjoyment of economic, social and cultural rights, adequate compensation for affected communities and measures to ensure the preservation of forests.[38]

18. OHCHR welcomed business initiatives supporting peace, the integration of human rights into business practices and the implementation of due diligence guidelines.[39]

### 3. Human rights and counter-terrorism

19. OHCHR stated that a review was required of the situation regarding the arrest and detention of human rights defenders in rural areas in the presence of armed actors. The review should involve the Counter-Terrorism Department of the Office of the Attorney General and examine how military intelligence was used to generate criminal investigations.[40]

## B. Civil and political rights

### 1. Right to life, liberty and security of person[41]

20. The Human Rights Committee was concerned by reports that violations of human rights, including the arbitrary deprivation of life, enforced disappearances and torture, continued to be committed.[42]

21. The Committee on Enforced Disappearances was concerned about reports that many of the so-called "false positive" cases that might be classed as extrajudicial killings were subject to military criminal jurisdiction, and that consequently there was no guarantee of an independent and impartial investigation.[43] The Committee against Torture raised similar concerns.[44]

22. The country team indicated that, although there had been fewer reports of alleged extrajudicial executions over the past four years, new cases continued to be documented, and that most investigations had focused on low-ranking commissioned and non-commissioned officers.[45] OHCHR called upon the State to ensure the provision of complete information to the Court about investigative advances against high-ranking officers in "false positive" cases.[46]

23. The Human Rights Committee was concerned by reports that members of the police Mobile Anti-Riot Squad and of the army had used excessive force during public demonstrations, apparently resulting in loss of life and injury.[47]

24. OHCHR noted that in the post-conflict context, the police force must address corruption forcefully and reinforce its institutional human rights culture. OHCHR noted with concern that the military intervened in situations involving security of citizens.[48]

25. OHCHR noted the relationship between violence, the areas where coca, marihuana and poppy were grown, drug trafficking and illegal mining activities. Actors linked to organized crime and local crime, as well as the Revolutionary Armed Forces of Colombia — Peoples' Army dissidents and the organized armed groups the National Liberation Army and the Popular Liberation Army, had competed to control, exploit and profit from illegal economic activities.[49]

26. While taking note of the measures adopted by Colombia to combat organized crime, the Human Rights Committee was concerned by reports of abuses allegedly committed by illegal armed groups that had formed in the wake of the demobilization of paramilitary organizations. It was also concerned by claims that some of those groups had acted in collusion with State agents.[50] The Committee on the Elimination of Racial Discrimination, the Committee on Enforced Disappearances, UNHCR and the United Nations Secretary-General raised similar concerns.[51]

27. The country team reported that, although the effects of the armed conflict had subsided, acts of violence persisted as the activities of illegal armed groups and dissidents from the Revolutionary Armed Forces of Colombia — People's Army and the consolidation of groups formed in the wake of the demobilization of paramilitary organizations and local criminal groups remained unchecked.[52]

28. The Committee on Enforced Disappearances was concerned at the lack of significant progress in the investigation of cases of enforced disappearance.[53] The country team reported that a number of challenges persisted, such as the underreporting of cases, failure to enter information into the National Missing Persons Register and failure to implement regional search plans.[54]

29. The Committee on Enforced Disappearances was concerned about allegations concerning cases of persons in temporary detention, in which the deprivation of liberty had not been registered, the registers had been altered or relevant information had not been recorded.[55]

30. The Human Rights Committee was concerned by the persistence of serious prison overcrowding, as the total rate in the country's detention centres was 55 per cent and had reportedly reached over 400 per cent in two centres. The Committee was also concerned by reports that instances of ill-treatment of persons deprived of their liberty, including members of the lesbian, gay, bisexual, transgender and intersex population, continued to occur.[56] The Committee against Torture recommended that Colombia adopt effective measures, as a matter of urgency, to reduce prison occupancy rates, primarily by making use of alternatives to deprivation of liberty, in accordance with international standards.[57]

31. The Committee against Torture found it regrettable that there was still no specific, independent, effective mechanism for the receipt of complaints of torture or ill-treatment in detention centres.[58] The Committee on the Rights of Persons with Disabilities urged Colombia to establish a national mechanism for the prevention of torture.[59]

### 2. Administration of justice, including impunity, and the rule of law[60]

32. The Committee on the Elimination of Racial Discrimination was concerned that the mechanisms introduced to provide access to justice for indigenous, Afro-Colombian and Roma peoples, such as the National Houses of Justice Programme, were not sufficient to ensure timely access to justice.[61]

33. The Committee against Torture recommended that Colombia ensure that grave human rights violations and other abuses committed against civilians by military personnel did not fall within the jurisdiction of military courts.[62]

34. OHCHR was concerned about several aspects of a constitutional reform bill presented under the fast-track procedure. For instance, the bill restricted and distorted the legal framework that judges had to apply in cases of alleged human rights violations committed by members of the military or the police, and it did not meet international standards on superior and command responsibility.[63]

35. OHCHR reiterated its concern about the high level of impunity for attacks against human rights defenders. While welcoming various initiatives that had been taken by the Office of the Attorney General in previous years, the High Commissioner noted that such efforts must generate further results.[64]

36. The country team indicated that, although Act No. 1820 of 2016 prohibited the granting of amnesties or pardons in cases of serious human rights violations or breaches of international humanitarian law, it nevertheless provided for a probation programme for State officials and members of the former Revolutionary Armed Forces of Colombia — People's Army without taking into account the seriousness of their crimes, and that it did not establish an effective system for monitoring potential beneficiaries of that programme.[65]

37. The Committee on Enforced Disappearances welcomed the establishment of the National Centre for Historical Memory.[66]

38. The country team recognized the role played by the Regional Renewal Agency and the National Land Agency and pointed out that the peace agreement included collective reparation as a central pillar of the victim reparations policy.[67] The country team also found the comprehensive system for truth, justice, reparation and non-repetition to have great potential for clarifying human rights violations, despite it having noted some causes for concern.[68]

### 3. Fundamental freedoms and the right to participate in public and political life[69]

39. UNESCO noted that the Transparency and Access to Public Information Act had been adopted in 2014, and that an office had been set up within the Counsel General of the Nation to ensure the Act was implemented. Noting also that defamation remained a crime under articles 220 and 221 of the Penal Code, UNESCO encouraged Colombia to decriminalize it.[70]

40. The Committee against Torture was concerned at the number of persons who had been shot to death or wounded by gunshot during confrontations between demonstrators and security forces in the course of social protests.[71]

41. OHCHR reported in detail about killings, attacks, threats, arrest and detentions, infringements of the rights to privacy, enforced disappearances and sexual violence affecting male and female human rights defenders, journalists, trade unionists, leaders of lesbian, gay, bisexual, transgender and intersex groups, and social and human rights activists. It noted that the departments most affected by all types of aggression were Cauca, Bogotá, North Santander, Valle del Cauca, Meta and Antioquia.[72] The Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee against Torture and the ILO Committee of Experts on the Application of Conventions and Recommendations raised similar concerns.[73]

42. The country team reported that the increase in the number of killings of human rights defenders was related to the lack of a State presence and the violence resulting from illicit economies.[74]

43. The Committee on Enforced Disappearances took note of the establishment of a national committee for the protection of human rights defenders and the existing protection programmes, but was concerned about allegations of shortcomings in the implementation of those programmes.[75] OHCHR acknowledged the ongoing efforts by the National Protection Unit to respond to the numerous and varied protection needs across Colombia, but noted the need to evaluate the effectiveness of the Unit's protection measures for rural human rights defenders.[76]

44. The Committee on the Elimination of Racial Discrimination recommended that Colombia redouble its efforts to ensure the full participation of Afro-Colombians in decision-making bodies.[77]

### 4. Prohibition of all forms of slavery[78]

45. The Human Rights Committee took note with concern of reports that human trafficking, including internal trafficking, persisted, particularly to the detriment of

children, Afro-Colombians and indigenous peoples.[79] The Committee on the Rights of the Child and the Committee on Migrant Workers raised similar concerns.[80]

46. The Committee on the Elimination of Discrimination against Women recommended that Colombia enhance international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and the harmonization of legal procedures aimed at the prosecution and punishment of traffickers.[81]

47. The country team indicated that, although Colombia had made progress in combating human trafficking, it still needed to strengthen national and local communication mechanisms, to review the national campaign entitled "Con la Trata de Personas No hay Trato" (No deal with human trafficking) and to move forward with the establishment of specialized shelters for victims.[82]

48. The country team was concerned about the restrictive interpretation given by judicial officials to the laws to combat human trafficking and the sexual exploitation of children, as some sentences shifted the blame onto the victim or required elements such as the existence of an organized crime group.[83]

### 5. Right to privacy and family life[84]

49. The Human Rights Committee recommended that Colombia expedite the investigations being carried out into suspected illegal surveillance activities allegedly conducted by officials of the former Administrative Department of Security.[85] OHCHR emphasized that the Government must clarify the scope and regulation of the power to monitor the electromagnetic spectrum foreseen under the Intelligence Law and the new Police Code.[86]

50. The Committee on the Rights of the Child was concerned that the Civil Code still contained an exception to the minimum age of marriage, set at 18 years, and allowed 14-year-old girls and boys to enter marriage with the consent of their parents or guardians.[87]

## C. Economic, social and cultural rights

### 1. Right to work and to just and favourable conditions of work[88]

51. The country team indicated that, although Colombia had made progress in strengthening the labour inspection system, significant shortcomings persisted, especially in the rural sector, along with widespread impunity for the perpetrators of anti-union violence.[89]

52. The Committee on Economic, Social and Cultural Rights was concerned about the precarious employment conditions of many agricultural workers.[90]

53. The ILO Committee of Experts noted initiatives promoting unified bargaining within enterprises, but remained concerned that only 1.16 per cent of the active population in the private sector benefited from a collective agreement.[91]

54. The Committee on Economic, Social and Cultural Rights was concerned that a considerable number of campesinos continued to participate in the manual eradication of illicit crops, and that many had died or been injured by anti-personnel mines or in clashes with illegal armed groups.[92]

55. The Committee on the Rights of the Child noted the legal and policy measures taken by Colombia to protect children from economic exploitation. However, it was concerned about the high number of children involved in child labour, particularly in dangerous or degrading work.[93]

56. The Committee on the Elimination of Discrimination against Women was concerned at the high female unemployment rate, the considerable pay gap between women and men and the occupational segregation of women.[94]

57. The ILO Committee of Experts acknowledged that the Government was working on measures in relation to equal wages in the context of the National Plan for Labour Equity with a Gender Differential Approach for Women.[95]

### 2. Right to social security

58. The Committee on Economic, Social and Cultural Rights was concerned about the significant number of people not covered by the social protection system, particularly informal sector workers, self-employed persons and rural workers.[96]

### 3. Right to an adequate standard of living[97]

59. The Committee on the Elimination of Racial Discrimination was concerned that the highest levels of poverty were recorded in areas in which the majority of Afro-Colombians were concentrated.[98]

60. The country team reported that inequality remained one of the greatest obstacles to the enjoyment of economic, social and cultural rights and that Colombia was one of the five countries with the highest level of inequality in the region.[99] OHCHR noted that the high level of inequality was visible in the disparity in enjoyment of economic, social and cultural rights between rural and urban areas and within urban areas. The peace agreement, particularly the points relating to integrated rural reform and the solution to the illicit drug problem, provided the opportunity to meet those challenges in a holistic manner.[100]

61. The country team reported that the peace agreement recognized that poverty and marginalization contributed to the persistence of the problem of illicit crops, referring to the transformation of the territories, and noted the need for inter-institutional coordination and greater efforts to respond to regional specificities.[101]

62. The country team reported that approximately 43 per cent of Colombians were in a situation of food insecurity, especially in the Atlantic and Pacific regions.[102]

### 4. Right to health[103]

63. The Committee on the Elimination of Racial Discrimination remained concerned about the lack of availability, accessibility and acceptability of health services in regions inhabited mostly by indigenous and Afro-Colombian peoples.[104] Similar concerns were raised by OHCHR.[105]

64. The Committee on the Elimination of Discrimination against Women recommended that Colombia ensure universal access to health services for adolescent girls and boys. It also recommended that Colombia ensure the provision of post-abortion health-care services for women who had undergone an unsafe abortion.[106]

65. The same Committee recommended that Colombia take measures to decrease the use of sterilization as a family planning method by conducting awareness-raising campaigns on the use of modern reversible contraceptive methods and by ensuring their availability.[107]

66. The Secretary-General of the United Nations noted that the difficulties in implementing certain health programmes included logistical issues and supply shortages.[108]

67. The country team reported that, despite the decrease in infant mortality recorded in recent years, there was still a need to focus efforts on the regions that were home to ethnic peoples, where the infant mortality rate of the indigenous population was five points higher than that of the non-indigenous population. It also identified the absence of a national health plan for the rural sector as one of the main health-related challenges impeding the implementation of the peace agreement.[109]

68. OHCHR noted the impact of water source contamination due to illegal mining on the health of indigenous communities along the Caquetá River. It also noted the irregular access to vaccinations for children, despite vaccination schemes foreseen in national legislation.[110]

### 5. Right to education[111]

69. UNESCO noted that enrolment in basic schooling continued to expand, the school dropout rate at all levels had fallen, and access to education was targeted within the National Development Plan 2014–2018. Colombia was working on progressively implementing full-day schooling to strengthen quality and equity to close education gaps.[112]

70. The country team reported that, although there was a law providing for free education for students up until the eleventh grade, it did not cover associated costs such as school uniforms and school supplies. Furthermore, in some rural municipalities, families had to meet additional expenses such as food, and a number of problems persisted, such as a lack of drinking water, electricity and roads providing access to schools.[113]

71. The Committee on the Rights of the Child was concerned about the significant differences in education coverage, mostly affecting indigenous, Afro-Colombian, displaced and rural children, and about the high dropout rate and the insufficient measures to identify and address its root causes.[114]

72. The Committee on the Rights of Persons with Disabilities was concerned at the low levels of enrolment of persons with disabilities at all levels of education.[115]

## D. Rights of specific persons or groups

### 1. Women[116]

73. The Committee on the Elimination of Discrimination against Women was concerned at the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society, which were root causes of women's disadvantaged position in political and public life.[117] The Committee on the Rights of the Child raised similar concerns.[118]

74. The Committee on the Elimination of Discrimination against Women expressed concern at the prevalence of sexual violence against women and girls, including rape, by all actors in the armed conflict, including by post-demobilization armed groups. The Committee was concerned at the significant underreporting of cases and at the widespread impunity with respect to the investigation, prosecution and punishment of perpetrators.[119] Three other Committees raised similar concerns.[120] OHCHR noted that sexual and gender-based violence was endemic, occurred in all aspects of the life of the population and transcended the armed conflict.[121] The Office of the Special Representative of the Secretary-General for Children and Armed Conflict expressed similar concerns.[122]

75. The Committee on the Elimination of Discrimination against Women recommended that Colombia establish a protection programme for women rights defenders, taking into consideration their needs and realities from a gender-differentiated perspective, and allocate adequate financial and human resources for its implementation.[123]

76. The Committee on the Elimination of Racial Discrimination urged Colombia to take measures with an intercultural focus to improve access by women who were victims of discrimination and violence to education, employment, justice and health care, including sexual and reproductive health services.[124]

77. The Committee on the Rights of the Child was concerned that, in spite of the public commitment of the Embera community's authorities to end the practice of female genital mutilation, the community still continued that practice.[125] The Committee on the Elimination of Discrimination against Women raised similar concerns.[126]

78. The country team reported that Colombia had national public policies on gender equity for women, risk prevention and the protection of the rights of female victims of the armed conflict, as well as a comprehensive plan to guarantee women a life free from violence. Progress had been achieved through the laws to combat sexual violence and femicide, as well as the law to eradicate violence against women. However, it noted that there was still underreporting of gender-based violence and a gap between legislation and its effective implementation.[127]

79. The Committee on Economic, Social and Cultural Rights recommended that Colombia take steps to ensure the effective participation of women in the implementation of the peace agreement.[128]

### 2. Children[129]

80. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict commended the final peace agreement between the Government and the Revolutionary Armed Forces of Colombia-People's Army, which included provisions on the protection of children such as the prioritization of the best interest of the child in the separation and reintegration process, community-based reintegration and the primacy of their rights in all areas of implementation.[130]

81. The Committee on the Rights of the Child welcomed the adoption of the Children and Adolescents' Code, but expressed concerns about its effective implementation.[131] Similar concerns were raised by the country team.[132]

82. The Human Rights Committee was concerned at reports of the continued use and recruitment of children by illegal armed groups.[133] OHCHR noted the involvement and use of children by post-demobilization groups linked to organized crime, including in Antioquia, Chocó and Valle del Cauca.[134] The Committee on the Rights of the Child raised similar concerns, including about girls who had been recruited being subjected to sexual violence.[135]

83. The Committee on the Rights of Persons with Disabilities and the Committee on the Rights of the Child recommended that Colombia repeal the provision in the Civil Code that authorized adults to correct and discipline children moderately.[136]

84. The Committee on the Rights of the Child remained concerned about the high number of cases of abandoned children and about reports of children separated from their families because of poverty.[137]

85. The same Committee was concerned that 20 per cent of the child population had not received all scheduled vaccinations and that chronic malnutrition persisted, particularly among indigenous and Afro-Colombian children.[138]

86. The Committee was concerned about the negative impact on children's rights of some of the activities conducted by business enterprises, particularly in the mining and tourism sectors.[139]

### 3. Persons with disabilities[140]

87. The country team noted that existing domestic legislation on legal capacity limited the rights of persons with intellectual or psychosocial disabilities and welcomed Bill No. 027/2017 on the exercise of legal capacity by persons with disabilities, which is currently before Congress.[141]

88. The Committee on the Rights of Persons with Disabilities was concerned that derogatory terminology continued to be used in laws, case law, regulations and official documents to refer to persons with disabilities. The Committee was concerned about the absence of a disability perspective in the policy on free or social housing.[142]

89. The same Committee recommended that Colombia establish, within anti-discrimination legislation, the denial of reasonable accommodation as a form of discrimination in all areas of participation.[143]

90. The Committee was concerned at the large number of victims of anti-personnel mines and the limited efforts to ensure their full rehabilitation and reintegration.[144]

91. The Committee urged Colombia to take steps to abolish the sterilization of persons with disabilities without their free and informed consent, including by repealing article 6 of Act No. 1412 of 2010.[145]

92. The Committee noted that the majority of persons with disabilities in situations of poverty and extreme poverty did not receive assistance or benefit from social protection programmes on the basis of disability.[146]

### 4. Minorities and indigenous peoples[147]

93. The Human Rights Committee recommended that Colombia ensure that consultations were actually held with the ethnic communities concerned with a view to obtaining their free and informed consent prior to the adoption and application of any measure that might have a substantial impact on their way of life and culture.[148] Two other Committees made similar recommendations.[149]

94. The Committee on the Elimination of Racial Discrimination recommended that Colombia guarantee the right of indigenous and Afro-Colombian peoples to possess, use, develop and control their lands, territories and natural resources, freely and with full security.[150]

95. The Human Rights Committee was concerned by reports that the Wayúu peoples in the Department of La Guajira did not have sufficient access to drinking water. While taking note of the introduction of guidelines on conducting prior consultations with ethnic communities present in the area of influence of a project, worksite or activity, the Committee was concerned about the delay in the passage of a law that would require that consultations be held with ethnic communities.[151] The Committee on the Elimination of Racial Discrimination raised similar concerns.[152]

96. The Committee on Economic, Social and Cultural Rights was concerned about the limited progress made in implementing the decisions of the Constitutional Court in favour of indigenous and Afro-Colombian peoples which required the implementation of protection plans for indigenous peoples identified as being at risk of physical and cultural extinction and for Afro-Colombian populations in an extremely vulnerable situation.[153]

97. The country team reported that the peace agreement included a chapter on ethnic perspectives and provided for the establishment of a high-level body with ethnic peoples to monitor the implementation of its content. It also recommended that the content of the chapter in question be strictly adhered to in the process of implementing the peace agreement and that the necessary steps be taken to guarantee the functioning of the high-level body.[154]

### 5. Migrants, refugees, asylum seekers and internally displaced persons[155]

98. The Committee against Torture recommended that Colombia rescind or amend provisions that barred persons in transit at border checkpoints from submitting asylum applications to migration authorities.[156]

99. The Committee on Migrant Workers was concerned at reports of an increase in reported cases of illicit trafficking of migrants who were in transit through Colombia, and by the lack of detailed information on measures to prevent and combat the irregular migration of Colombian nationals.[157]

100. The country team reported that the number of asylum applications had increased and that the existing asylum system was marred by several problems that undermined its effectiveness as a protection mechanism.[158]

101. UNHCR stated that Colombia was characterized by a situation of protracted internal displacement and that the Pacific Coast remained one of the most affected by large-group displacements.[159]

102. The Human Rights Committee was concerned by reports that instances of internal displacement continued to occur in Colombia owing to various factors, such as the activities of illegal armed groups and the implementation of megaprojects.[160] Similar concerns were raised by OHCHR in Colombia.[161]

103. The country team reported that, in 2016, there were more than 11,300 displaced persons in the Pacific region, and that between January and September 2017, 55 major incidents affecting more than 9,500 displaced persons were recorded, representing a 57 per cent increase in the number of such incidents compared to 2016.[162]

### 6. Stateless persons

104. UNHCR commended Colombia for its accession to the 1961 Convention on the Reduction of Statelessness and recommended that it harmonize its nationality laws with that Convention. UNHCR noted that Colombia had not yet ratified the 1954 Convention.[163]

105. The country team reported that Colombia had no laws or mechanisms to protect stateless persons and recommended that it draft domestic legislation to protect them, to introduce procedures and mechanisms to determine statelessness and to facilitate the naturalization of such persons.[164]

*Notes*

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Colombia will be available at www.ohchr.org/EN/Countries/LACRegion/Pages/COIndex.aspx.
[2] For relevant recommendations, see A/HRC/24/6, paras. 116.1–116.2, 116.38–116.39, 117.3, 118.1–118.13 and 118.21.
[3] See CERD/C/COL/CO/15-16, para. 41; CRC/C/COL/CO/4-5, para. 72; and E/C.12/COL/CO/6, para. 70. See also United Nations country team submission for the universal periodic review of Colombia, para. 47; and A/HRC/34/3/Add.3, para. 106 (m).
[4] See CERD/C/COL/CO/15-16, para. 41; CRC/C/COL/CO/4-5, para. 72; and E/C.12/COL/CO/6, para. 70. See also United Nations country team submission, para. 47.
[5] See CERD/C/COL/CO/15-16, para. 41; CRC/C/COL/CO/4-5, para. 72; and E/C.12/COL/CO/6, para. 69. See also United Nations country team submission, para. 47; and A/HRC/34/3/Add.3, para. 106 (m).
[6] See CRC/C/COL/CO/4-5, para. 71; and E/C.12/COL/CO/6, para. 70. See also United Nations country team submission, para. 47.
[7] See CMW/C/COL/CO/2, para. 15.
[8] UNESCO submission for the universal periodic review of Colombia, p. 6.
[9] UNHCR submission for the universal periodic review of Colombia, p. 4.
[10] See CERD/C/COL/CO/15-16, para. 41.
[11] Ibid., para. 42.
[12] See CAT/C/COL/CO/5, para. 29.
[13] See CMW/C/COL/CO/2, para. 13.
[14] See CED/C/COL/CO/1, para. 12. See also United Nations country team submission, para. 47.
[15] See CMW/C/COL/CO/2, para. 11.
[16] See CEDAW/C/COL/CO/7-8, para. 39.
[17] See www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx.
[18] See A/HRC/34/3/Add.3, para. 4.
[19] OHCHR, "Management", in *OHCHR Report 2015*, p. 56; www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15837&LangID=E and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15871&LangID=E.
[20] OHCHR, "Management", in *OHCHR Report 2016*, p. 73; www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20571&LangID=E and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20615&LangID=E.
[21] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22215&LangID=E.
[22] OHCHR, "Funding", in *OHCHR Report 2016*, p. 90; *OHCHR Report 2015*, p. 72; and *OHCHR Report 2014*, p. 74.
[23] For relevant recommendations, see A/HRC/24/6, paras. 116.3, 116.6–116.16, 116.46–116.47 and 118.14.
[24] See A/HRC/34/3/Add.3, para. 1.
[25] Ibid., para. 9.
[26] See United Nations country team submission, para. 2. See also E/C.12/COL/CO/6, para. 4; UNHCR submission, p. 2; and S/2017/801, para. 85.
[27] UNHCR submission, p. 2.
[28] See United Nations country team submission, para. 48. See also A/HRC/31/3/Add.2, paras. 43 and 99 (a).
[29] For relevant recommendations, see A/HRC/24/6, paras. 116.43 and 117.4.
[30] See CERD/C/COL/CO/15-16, para. 10.
[31] See CCPR/C/COL/CO/7, para. 17.
[32] Ibid., para. 42.
[33] See CERD/C/COL/CO/15-16, para. 13.

[34] See CRPD/C/COL/CO/1, para. 14.
[35] For the relevant recommendation, see A/HRC/24/6, para. 116.36.
[36] See CCPR/C/COL/CO/7, para. 42.
[37] See CERD/C/COL/CO/15-16, paras. 23–24.
[38] See E/C.12/COL/CO/6, para. 16.
[39] See A/HRC/34/3/Add.3, paras. 93–94.
[40] Ibid., para. 58.
[41] For relevant recommendations, see A/HRC/24/6, paras. 116.4, 116.21, 116.27, 116.32–116.35, 116.44–116.45 and 116.78–116.79.
[42] See CCPR/C/COL/CO/7, para. 8.
[43] See CED/C/COL/CO/1, para. 21.
[44] See CAT/C/COL/CO/5, para. 10.
[45] See United Nations country team submission, para. 7.
[46] See A/HRC/34/3/Add.3, para. 79.
[47] See CCPR/C/COL/CO/7, para. 36.
[48] See A/HRC/34/3/Add.3, para. 65 and 69.
[49] Ibid., paras. 43–45.
[50] See CCPR/C/COL/CO/7, para. 12.
[51] See CERD/C/COL/CO/15-16, paras. 29–30, CED/C/COL/CO/1, paras. 23–24, UNHCR submission, p. 2, and S/2017/801, para. 49. See also letter dated 17 May 2017 from the Committee on the Elimination of Racial Discrimination to the Permanent Representative of Colombia to the United Nations Office and other international organizations in Geneva. Available at http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/COL/INT_CERD_FUL_COL_27513_E.pdf.
[52] See United Nations country team submission, para. 3.
[53] See CED/C/COL/CO/1, para. 19.
[54] See United Nations country team submission, para. 9.
[55] See CED/C/COL/CO/1, para. 31.
[56] See CCPR/C/COL/CO/7, para. 28.
[57] See CAT/C/COL/CO/5, paras. 17–18.
[58] Ibid., para. 21.
[59] See CRPD/C/COL/CO/1, para. 43.
[60] For relevant recommendations, see A/HRC/24/6, paras. 115.5–115.6, 116.5, 116.16–116.20, 116.22–116.26, 116.67–116.72, 116.118, 117.1, 117.7–117.8, 118.15, 118.18–118.19 and 118.23–118.26.
[61] See CERD/C/COL/CO/15-16, para. 39.
[62] See CAT/C/COL/CO/5, para. 11.
[63] See A/HRC/34/3/Add.3, para. 32.
[64] Ibid., paras. 59.
[65] See United Nations country team submission, para. 6.
[66] See CED/C/COL/CO/1, para. 33.
[67] See United Nations country team submission, para. 13.
[68] Ibid., para. 17.
[69] For relevant recommendations, see A/HRC/24/6, paras. 116.73–116.77 and 116.80–116.85.
[70] See UNESCO submission, paras. 4–5 and 20.
[71] See CAT/C/COL/CO/5, para. 16.
[72] See A/HRC/34/3/Add.3, paras. 54–58.
[73] See CCPR/C/COL/CO/7, para. 38, CERD/C/COL/CO/15-16, para. 27, CAT/C/COL/CO/5, para. 26, and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3300820. See also UNESCO submission, p. 3, and S/2017/801, para. 29.
[74] See United Nations country team submission, paras. 5–6.
[75] See CED/C/COL/CO/1, para. 27. See also E/C.12/COL/CO/6, para. 9.
[76] See A/HRC/34/3/Add.3, para. 63.
[77] See CERD/C/COL/CO/15-16, para. 26.
[78] For relevant recommendations, see A/HRC/24/6, paras. 115.4 and 116.58–116.66.
[79] See CCPR/C/COL/CO/7, para. 26.
[80] See CRC/C/COL/CO/4-5, para. 63, and CMW/C/COL/CO/2, para. 38.
[81] See CEDAW/C/COL/CO/7-8, para. 20.
[82] See United Nations country team submission, para. 10.
[83] Ibid., para. 12.
[84] For relevant recommendations, see A/HRC/24/6, paras. 116.30 and 118.20.
[85] See CCPR/C/COL/CO/7, para. 33.
[86] See A/HRC/34/3/Add.3, para. 84.
[87] See CRC/C/COL/CO/4-5, para. 31.

[88] For the relevant recommendation, see A/HRC/24/6, para. 116.96.
[89] See United Nations country team submission, para. 30.
[90] See E/C.12/COL/CO/6, para. 36.
[91] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3300836.
[92] See E/C.12/COL/CO/6, para. 36. See also CCPR/C/COL/CO/7, para. 22.
[93] See CRC/C/COL/CO/4-5, para. 59.
[94] See CEDAW/C/COL/CO/7-8, para. 27.
[95] See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3298492.
[96] See E/C.12/COL/CO/6, para. 41. See also S/2017/801, para. 64.
[97] For relevant recommendations, see A/HRC/24/6, paras. 116.37, 116.86, 116.95 and 116.108.
[98] See CERD/C/COL/CO/15-16, paras. 13–14.
[99] See United Nations country team submission, para. 22.
[100] See A/HRC/34/3/Add.3, para. 46.
[101] See United Nations country team submission, paras. 32–33.
[102] Ibid., para. 25.
[103] For relevant recommendations, see A/HRC/24/6, paras. 116.97–116.98.
[104] See CERD/C/COL/CO/15-16, para. 33.
[105] See A/HRC/34/3/Add.3, para. 50.
[106] See CEDAW/C/COL/CO/7-8, para. 30. See also letter dated 6 December 2016 from the Committee on the Elimination of Discrimination against Women to the Permanent Representative of Colombia to the United Nations Office and other international organizations in Geneva. Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/COL/INT_CEDAW_FUL_COL_25960_E.pdf.
[107] See CEDAW/C/COL/CO/7-8, para. 30. See also letter dated 6 December 2016 from the Committee on the Elimination of Discrimination against Women to the Permanent Representative of Colombia to the United Nations Office and other international organizations in Geneva.
[108] See S/2017/801, para. 63.
[109] See United Nations country team submission, paras. 25 and 28.
[110] See A/HRC/34/3/Add.3, para. 51.
[111] For relevant recommendations, see A/HRC/24/6, paras. 116.99–116.103 and 116.120.
[112] See UNESCO submission, para. 16.
[113] See United Nations country team submission, para. 23.
[114] See CRC/C/COL/CO/4-5, para. 51.
[115] See CRPD/C/COL/CO/1, para. 54.
[116] For relevant recommendations, see A/HRC/24/6, paras. 115.1–115.3, 116.40–116.42, 116.49–116.57, 117.2 and 117.5–117.6.
[117] See CEDAW/C/COL/CO/7-8, para. 13.
[118] See CRC/C/COL/CO/4-5, para. 19.
[119] See CEDAW/C/COL/CO/7-8, paras. 17 and 31–32.
[120] See CCPR/C/COL/CO/7, para. 18; CAT/C/COL/CO/5, paras. 13–14; and E/C.12/COL/CO/6, para. 45.
[121] See A/HRC/34/3/Add.3, paras. 97.
[122] Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission for the universal periodic review of Colombia, p. 2.
[123] See CEDAW/C/COL/CO/7-8, para. 24. See also letter dated 6 December 2016 from the Committee on the Elimination of Discrimination against Women to the Permanent Representative of Colombia to the United Nations Office and other international organizations in Geneva.
[124] See CERD/C/COL/CO/15-16, para. 32.
[125] See CRC/C/COL/CO/4-5, para. 31.
[126] See CEDAW/C/COL/CO/7-8, paras. 13–14.
[127] See United Nations country team submission, paras. 35–36.
[128] See E/C.12/COL/CO/6, para. 25.
[129] For relevant recommendations, see A/HRC/24/6, paras. 116.29, 116.31, 116.48, 116.112–116.117 and 118.17.
[130] Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 1.
[131] See CRC/C/COL/CO/4-5, para. 7.
[132] See United Nations country team submission, para. 40.
[133] See CCPR/C/COL/CO/7, para. 40. See also E/C.12/COL/CO/6, para. 43, and United Nations country team submission, para. 43.
[134] See A/HRC/34/3/Add.3, paras. 99.
[135] See CRC/C/COL/CO/4-5, para. 65. See also A/HRC/34/3/Add.3, para. 99.

[136] See CRPD/C/COL/CO/1, paras. 18–19, and CRC/C/COL/CO/4-5, para. 28.
[137] See CRC/C/COL/CO/4-5, paras. 33 and 62.
[138] Ibid., para. 39.
[139] Ibid., para. 17.
[140] For the relevant recommendation, see A/HRC/24/6, para. 116.104.
[141] See United Nations country team submission, para. 46.
[142] See CRPD/C/COL/CO/1, paras. 8 and 62.
[143] Ibid., para. 15.
[144] Ibid., para. 28.
[145] Ibid., para. 47.
[146] Ibid., para. 62.
[147] For relevant recommendations, see A/HRC/24/6, paras. 116.28, 116.105–116.107, 116.109–116.111 and 116.119.
[148] See CCPR/C/COL/CO/7, para. 43.
[149] See CERD/C/COL/CO/15-16, paras. 21–22, and CEDAW/C/COL/CO/7-8, para. 34.
[150] See CERD/C/COL/CO/15-16, paras. 19–20.
[151] See CCPR/C/COL/CO/7, para. 42.
[152] See CERD/C/COL/CO/15-16, para. 36. See also E/C.12/COL/CO/6, para. 59, and letter dated 17 May 2017 from the Committee on the Elimination of Racial Discrimination to the Permanent Representative of Colombia to the United Nations Office and other international organizations in Geneva.
[153] See E/C.12/COL/CO/6, para. 17. See also CERD/C/COL/CO/15-16, para. 16, and letter dated 17 May 2017 from the Committee on the Elimination of Racial Discrimination to the Permanent Representative of Colombia to the United Nations Office and other international organizations in Geneva.
[154] See United Nations country team submission, para. 45.
[155] For relevant recommendations, see A/HRC/24/6, paras. 116.25 and 117.3.
[156] See CAT/C/COL/CO/5, para. 15.
[157] See CMW/C/COL/CO/2, para. 36.
[158] See United Nations country team submission, para. 50. See also UNHCR submission, p. 1.
[159] UNHCR submission, pp. 1 and 3.
[160] See CCPR/C/COL/CO/7, para. 30. See also E/C.12/COL/CO/6, para. 51.
[161] See A/HRC/34/3/Add.3, paras. 89–90.
[162] See United Nations country team submission, para. 4.
[163] UNHCR submission, pp. 3–4 and 6.
[164] See United Nations country team submission, para. 51. See also UNHCR submission, pp. 3–6.